App. F. IX-4

Previous References.

1941. Pris)

File no. 62-41

Serial Nos. 3 ✓

Later References.

Pris 12-42(8)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only

Part B for May 42

SUBJECT.

Recommendation of the Prison Reforms Committee relating to the Children of female prisoners.

Order no P 5139-40 dt 11.5.42

To

D. G. of Prisons

Comptroller

Accepts the recommendation of prisons Reforms Committee and directs the Substitutions of Amended Sub rules for Sub rules 1 and 2 of rule 9 of the Jail Manual, Vol I.

3794/41 Prisons Reforms — Children of Female Prisoners

REV. FCP Female Prisoners Prisons 1942

General and Revenue Secretariat | File No. of 194 . | 9 | [App. F. III—2

Serial No.

A child ~~which is~~ under two years of age which is ~~to~~ still at the breast is now admitted to jail with its mothers, if it cannot be placed with relations or otherwise properly provided for. (Rule 732 of the Jail Manual). In the interests both of the mothers and of the children, the Prison Reforms Committee recommend, that the limit of age should be raised so as to allow as female prisoner to retain her child until it is five years, or, with the approval of the Supt, even up to six years of age, if she so desires. The Committee state that six years is the maximum limit in British India, and recommend that in all such case the necessary diet and clothing for the childre should be freely provided, as is indeed the practice now.

The I.G. of Prisons is in favour of this proposal and suggests that Rule 831 of the Madras Manual may be substituted for rule 732 of our Rules.

As observed by the Committee in British India a child is allowed to remain with its mothers until it is six years of age. Thus the Central Provinces Rules provide that a child under the age of four years, ~~state~~ if it

the Committee refer to Rule 836 of the Madras Jail Manual, a copy of which is not available MRW 9/1/42

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has not been weaned, or if it has been weaned and no friend or relative can be found to take charge of it, ~~he~~ is admitted to jail with its mother. A child born in jail is permitted to remain in jail with its mother. Any female prisoner may be allowed to retain her child with her until it is four or with her approval of the Supdt. above up to six years of age, if she so desires.

The British Indian practice may perhaps be adopted as recommended by the Committee and the G. of Prisons.

JAN 12 1942
7075

A

SECY. LAW DEPT.
GOVT OF MYSORE

Law Secy) 9/1/42

'A' may be approved

Minister for Law) Hm 10.1.42. 10/1/42

12/1

Hm 12.1.42 12/1/42

Draft G.O is submitted for appl.

Miller

The draft G.O is for ordinary

In this connection since orders are solicited as to which

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Govt views may be in regard to each point or in regard to the several points grouped under a particular head or Chapter.

It is also for Consideration if in the G.O the Recommendation should be referred to in the preamble and also the opinion of the G. of Prisons if any.

Sub

Dom 5/1/42

The Prisons Reforms Committee has made about 389 recommendations, of which the G. of P. has so far dealt with 56, and of these ~~some~~ orders has been ~~not~~ passed in respect of 25. It would not be appropriate perhaps to issue a G.O. in respect of each of these recommendations. A single comprehensive G.O. on all the recommendations of the Committee would be more appropriate but the issue of such a G.O. will have to await until orders are passed on all the recommendations of Committee, which will take some time. Further it entails that the recommendations on which orders are passed in the

WD 04165—GPB—55,000—23-10-41

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meanwhile being kept in abeyance until all the recommendations are finished.

To overcome this difficulty, following procedure is respectfully submitted for consideration.

The orders which have been so far passed fall into three classes viz (1) those which calls for administrative action being new (2) those which requires modifications alterations of the rules in the Jail Manuals and (3) those which requires the D. G. of Prisons to submit further proposals.

(1) In the case of orders of the first class. e.g. transfer of female habitual offenders to the jail at Mysore, orders of Govt may be communicated by letters to the D. G. Asking him to give effect to it.

(2) In the case of orders of the second class, the rules in the jail manual may be amended or altered as and when orders are passed.

This margin in one batch for each chapter 28/1

(3) In respect of this last class the D. G. P. will be requested to send in further proposals.

~~Subject to the~~

The adoption of this procedure

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would facilitate the recommendations of the Committee being given effect without delay as and when orders are passed on each recommendations.

JNRV 19/1/42

Law Secy)

The above procedure may be adopted

Minister for Law.)

HM 2 23.1.42.

SECY. LAW DEPT. 608 13 2 GOVT OF MYSORE

JAN 23 1942 7603

Yes, except in regard to (2). JNRV 23/1/42

In respect of (2), one order may be issued for each Chapter of the Prison Manual.

HM 2 V871

HM 26.1.42 JNRV 29/1/42

The D. G of Prisons has not been sending his views about the Prison Reforms in spite of several reminders, as he seems to be very busy with A.R.P and other work. A number of files on which orders have been passed are held up awaiting the D. G. P's view on the remaining recommendat Hence the completion of each chapter may take a long time. In these circumstances, amendments to the Jail Manual in respe of matters on which the orders have alrea

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been passed may be proceeded with.

Minister (Law)

Hm 2 29.4.42 MKV 29/4

30/4

Hm 2 30/4/42 MKV 3/5

Draft G.O put up already in this file may therefore be approved kindly for issue.

Draft G.O. amending rule 732 of (1) & (2) of the jail manual is submitted for consideration.

MKV 4/5

3/5 4/5

Law Secy) for perusal
Minister (Law)
Dewan)

APR 29 1942 No. 11285

SECY. LAW DEPT. 3851 1 MAY 1942 GOVT OF MYSORE

Hm 6/5/42 MKV 6/5

8/5

MAY 7 1942 11512

Hm 9/5/42 Issue MKV 9/5

Issued G.O. No. P. 5189-40 dated 11.5.42 to the I.G. of Prisons.

Passes Issues orders on the recommendations of the P.R.C. relating to the children of female prisoners.

B 12/5

G.O. Pris 62-41-3 - 8 11.5.42

Proceedings of the Government of His Highness the Maharaja of Mysore.

R E A D :-

The recommendation of the Prison Reforms Committee ~~in para 48 - Chapter III of their report~~ relating to ~~the admission to Jail of~~ the children of female prisoners.

Order thereon :-

A child under two years of age which is still at the breast is now admitted to jail with its mother, if it cannot be placed with relations or otherwise properly provided for. The Prison Reforms Committee recommend ~~that~~ in para 48 of Chapter III of their Report. that in the interests both of the mothers and of the children, the limit of age should be raised so as to allow a female prisoner to retain her child until it is five years, or with the approval of the Superintendent, ~~a~~ up-to six years of age, if she so desire and that in all such cases, the necessary die and clothing for the children should be freel provided, as is indeed the practice now.

Government are pleased to accept this recommendation and direct accordingly that the following ~~amendments be made in Rule 732 of the Jail Manual Volume I, namely -~~ amended sub rules be substituted for sub rules 1 & 2 of rule 732 of the Jail Manual, Vol I, namely -

~~Substitute the following for clause Sub rules 1 & 2 of rule 732 of the Jail~~ :- of age

" A child up-to five years or at the discretion of the Superintendent up-to six years of age, shall be admitted to jail with its mother if it cannot be placed

with

with relations or otherwise properly provided for. Children born in jail may remain with their mothers up to five years of age or at the discretion of the Superintendent up to six years of age, if they cannot be otherwise suitably disposed of. The Medical Officer shall determine the age of children not born in jail."

" No child shall be admitted into or retained in jail, if it has attained the age of five years or at the discretion of the Superintendent, ~~after~~ six years. On a child becoming disqualified for further retention, notice shall be given to the District Magistrate with a view to his making arrangements to place the child with its relatives, if possible, during the imprisonment of the mother. Should the relatives be unable to support it, or should the Magistrate be unable to discover any relative willing to take charge of it, he shall select trustworthy persons to undertake such charge, and shall see that the child is properly taken care of, a moderate sum being allowed by the Magistrate for the maintenance of the child."

~~[illegible]~~

Hm 2/6/12/42

for Secy to Govt, Law Dept

JKW 4/8

2 to Prisons
Cent for Govt

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

The recommendation of the Prison Reforms Committee relating to the children of female prisoners.

Order thereon No: PS 139-60 Pris 62-61-3

Dated, Bangalore, 11th May 1942.

A child under two years of age which is still at the breast is now admitted to jail with its mother, if it cannot be placed with relations or otherwise properly provided for. The Prison Reforms Committee recommend in para 48 of chapter III of their Report that in the interests both of the mothers and of the children, the limit of age should be raised so as to allow a female prisoner to retain her child until it is five years, or with the approval of the Superintendent, up-to six years of age, if she so desires, and that in all such cases, the necessary diet and clothing for the children should be freely provided, as is indeed the practice now.

Government are pleased to accept this recommendation and direct accordingly that the following amended sub rules be substituted for sub rules 1 and 2 of rule 732 of the Jail Manual, Vol.I, namely.-

1) "A child up to five years of age or at the discretion of the Superintendent up to six years of age, shall be admitted to Jail with its mother if it cannot be placed with relations or otherwise properly provided for. Children born in jail may remain with their mothers up to five years of age or at the discretion of the Superintendent up to six years of age, if they cannot be otherwise suitably disposed

of. The Medical Officer shall determine the age of children not born in jail."

2) "No child shall be admitted into or retained in jail, if it has attained the age of five years or at the discretion of the Superintendent, six years. On a child becoming disqualified for further retention, notice shall be given to the District Magistrate with a view to his making arrangements to place the child with its relatives, if possible, during the imprisonment of the mother. Should the relatives be unable to support it, or should the Magistrate be unable to discover any relative willing to take charge of it, he shall select trustworthy persons to undertake such charge, and shall see that the child is properly taken care of, a moderate sum being allowed by the Magistrate for the maintenance of the child."

for M. N. Haradaraj Urs
Secretary to Government,
Law Department.

To--The Inspector General of Prisons, in Mysore,

The Comptroller to Government, Bangalore.

of. The Medical Officer shall determine the age of children not born in jail."

2) "No child shall be admitted into or retained in jail, if it has attained the age of five years or at the discretion of the Superintendent, six years. On a child becoming disqualified for further retention, notice shall be given to the District Magistrate with a view to his making arrangements to place the child with its relatives, if possible, during the imprisonment of the mother. Should the relatives be unable to support it, or should the Magistrate be unable to discover any relative willing to take charge of it, he shall select trustworthy persons to undertake such charge, and shall see that the child is properly taken care of, a moderate sum being allowed by the Magistrate for the maintenance of the child."

M. N. Narasaraya
Secretary to Government,
Law Department.

To--The Inspector General of Prisons, in Mysore,